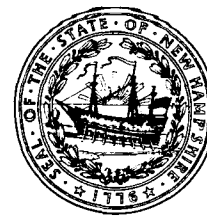




October 12, 2004

The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



LETTER OF DEFICIENCY #WSEB 04-170
CERTIFIED MAIL #7000 0600 0023 9932 8096

Paul Botta
New Durham Railway Station
110 Ridge Road Top
New Durham, NH 03855

Subject: New Durham - Public Water System: New Durham Railway Station (EPA #1678020)

Dear Mr. Botta:

The records of the Department of Environmental Services (DES) show that the New Durham Railway Station water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year.

BACTERIA MONITORING/REPORTING

Pursuant to NH Admin. Rule Env-Ws 325, the water system owner is required to submit samples according to the system's established schedule to the State laboratory or a State-certified laboratory for coliform bacteria analysis. DES records show that the subject water system failed to submit bacteria samples and as a result Monitoring/Reporting (M/R) violations were issued for the following months:

May 2004 and August 2004

In view of the bacteria M/R violations, DES believes the deficiencies can be corrected by taking the following actions:

1. **By October 26, 2004**, submit a water "make up" sample for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325.04. Please use the enclosed analysis result form when submitting the sample to your laboratory.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. DES records show that the water system has failed to perform public notification for the **May 2004** monitoring violation. Additionally, to date the water system has not submitted proof of public notice for the **August 2004** monitoring violation.

In view of the public notice violations, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

2. **By November 9, 2004** carry out the public notice requirements for the **May 2004 and August 2004** sampling violations; and
3. **By November 16, 2004**, provide proof of public notice to DES.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 • Fax: (603) 271-5171 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov

CHEMICAL MONITORING/REPORTING

Pursuant to NH Admin. Rule Env-Ws 326, the water system owner is required to submit samples according to the system's established schedule to the State laboratory or a State-certified laboratory for chemical analysis. DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period (calendar quarter):

Quarter 2 – 2004 – Nitrate and Nitrite

DES believes the monitoring/reporting deficiencies can be addressed by taking the following actions:

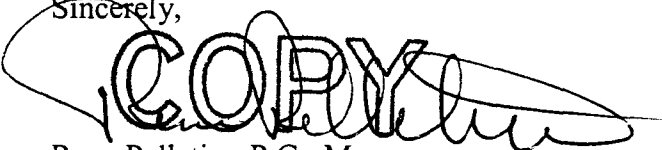
4. **By October 26, 2004**, submit a Nitrate and Nitrite "make-up sample" to the State laboratory or a State-certified laboratory, in accordance with NH Admin. rule Env-Ws 326. Please use the enclosed analysis result form when submitting the sample to your laboratory.

Please continue to submit water samples according to the water system's Master Sampling Schedule enclosed.

In the event compliance is not achieved within the periods set forth above, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please contact Anne Bailey by phone at (603) 271-0672 or by e-mail at abailey@des.state.nh.us if you have any questions regarding this letter.

Sincerely,


Rene Pelletier, P.G., Manager
Land Resource Programs

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Enclosure: Master Sampling Schedule
Public Notice Forms
Analysis Result Forms

cc: Gretchen R. Hamel, DES Legal Unit Administrator
NH Dept. Health & Human Services, Restaurant Licensing
Town of New Durham Health Officer
Alan Leach, DES/WSEB
EPA, Region 1
(all w/out enclosures)